

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-287

JEROME WRIGHT,

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S RECOMMENDATION (Doc. # 14),
DENYING DEFENDANT'S MOTION TO DISMISS COUNT ONE OF THE INDICTMENT
(Doc. # 11), AND DENYING DEFENDANT'S MOTION TO SUPPRESS STATEMENTS
(Doc. # 12)

On February 26, 2010, the defendant, Jerome Wright, filed a motion to dismiss count one of the indictment as duplicitous. In addition, the defendant filed a motion to suppress statements made while in custody, and requested an evidentiary hearing. On March 29, 2010, Magistrate Judge Patricia Gorence issued a decision denying Wright's request for an evidentiary hearing, and recommending that this court deny both of Wright's motions.¹ Pursuant to Federal Rule of Criminal Procedure 59, parties are provided 14 days to file objections to an order or recommendation issued by a magistrate judge. No objections have been filed.

On dispositive matters, including motions to suppress evidence, a magistrate judge may propose findings and make recommendations. Fed. R. Crim. P. 59(b)(1). A district court must review de novo the recommendations of the magistrate judge to which

¹ Though the final portion of Judge Gorence's order states that Wright's motion to suppress statements is denied, this appears to be a clerical error as the body of Judge Gorence's decision states that she will "recommend that defendant Wright's motion to suppress his statement be denied." (Rec. 7.) In any event, the court has reviewed the record, and is denying both of Wright's motions.

a party timely objects. Fed. R. Crim. P. 59(b)(2), (3). Portions of a recommendation to which no party objects are reviewed for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); see *also* Fed. R. Crim. P. 59(b)(2) ("Failure to object in accordance with this rule waives a party's right to review.")

The court has reviewed Judge Gorence's Recommendation as to the defendant's motions and finds no clear error. Therefore,

IT IS ORDERED that the magistrate judge's Recommendation (Doc. # 14) is adopted, and for the reasons stated therein the defendant's Motion to Dismiss Count One (Doc. # 11) and Motion to Suppress Statements (Doc. # 12) are denied.

Dated at Milwaukee, Wisconsin, this 27th day of April, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
CHIEF U. S. DISTRICT JUDGE